

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

MEIKA DESEAN BRITTON

PETITIONER

V.

NO. 3:17-CV-11-DMB-DAS

MARSHAL TURNER

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

On or about December 5, 2016, Meika DeSean Britton filed a petition for a writ of habeas corpus in the United States District Court for the Southern District of Mississippi. Doc. #1. On or about January 3, 2017, Britton filed an amended petition for a writ of habeas corpus in the same court. Doc. #5. On January 9, 2017, the Southern District Court ordered that the case be transferred to the Northern District of Mississippi pursuant to 28 U.S.C. § 2241(d). Doc. #6. Nine days later, the case was transferred to this Northern District Court. Doc. #7.

On August 28, 2017, Britton filed a “Motion to Hold Habeas Corpus in Abeyance While New Issue Submitted to Lower Courts for Exhaustion.” Doc. #13. On March 1, 2018, United States Magistrate Judge David A. Sanders denied the motion because Britton failed to show good cause for the failure to exhaust his state remedies. Doc. #18. On July 19, 2018, Judge Sanders filed a Report and Recommendation recommending that Britton’s petition be dismissed without prejudice for failure to exhaust state remedies. Doc. #27. Britton acknowledged receipt of the Report and Recommendation, Doc. #28; and has filed no objections to it.

Under 28 U.S.C. § 636(b)(1)(C), “[a] judge of the court shall make a de novo determination of those portions of the report ... to which objection is made.” “[W]here there is no objection, the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F.Supp.3d 944, 948 (S.D. Tex. 2017) (citing *United*

States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989)).

The Court has reviewed the Report and Recommendation and finds that it is neither clearly erroneous nor contrary to law. Accordingly, the Report and Recommendation [27] is **ADOPTED** as the order of the Court. Britton's petition for a writ of habeas corpus is **DISMISSED without prejudice**.

SO ORDERED, this 15th day of November, 2018.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE